

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

DOVER TANK & PLATE CO.,
a/k/a DT&P,

Defendant.

Case No. 09-cv-805-JPG

MEMORANDUM & ORDER

This matter comes before the Court on the Government's Motion to Dismiss (Doc. 3). Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff has an absolute right to dismiss an action without a court order at any time before service by an adverse party of an answer or of a motion for summary judgment, whichever first occurs. The defendant had not yet filed an answer or motion for summary judgment in this case. The Court therefore **CONSTRUES** the instant motion (Doc. 3) **as a Notice of Dismissal** and finds that all claims of the Government against Defendant Dover Tank & Plate Co. **DISMISSED without prejudice**. The Court **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: November 6, 2009

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE